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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 BRYAN ROBINSON,

12 Defendant.

Case No. 2:20-mj-00766-EJY

**Stipulation to Continue Preliminary
Hearing and Waiver of Right to
Indictment within 30 days**

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14 IT IS HEREBY STIPULATED AND AGREED by and between Defendant
15 BRYAN ROBINSON, through his counsel, DUSTIN R. MARCELLO, ESQ. and the
16 United States of America, through Nicholas A. Trutanich, United States Attorney, and
17 Assistant United States Attorney Jamie Mickelson, as follows:

18 1. The Complaint in this case was filed on August 27, 2020 (ECF No. 1) and
19 defendant first appeared before a judicial officer of the Court in which the charges in this
20 case were pending on September 1, 2020 (ECF No. 5.) This Court set a preliminary hearing
21 for September 15, 2020.

22 2. On September 14, 2020, the parties filed a stipulation to continue the
23 preliminary hearing for sixty days. (ECF No. 12.) The Court set a preliminary hearing for
24 November 16, 2020. (ECF. No. 13.) On September 18, 2020, the defendant filed a waiver of

1 his right to be indicted by the grand jury within the time specified in 18 U.S.C. § 3161(b) for
2 sixty days. (ECF No. 15.) Defendant hereby specifically agrees to waive his right to be
3 indicted by the grand jury for an additional thirty days.

4 3. The parties jointly move for an extension of time of the preliminary hearing to
5 a date and time convenient to the Court, but no sooner than thirty (30) days. The
6 Government has provided pre-indictment discovery for the defense to review. The parties
7 stipulate that the delay is required to allow the defense reasonable time for preparation, and
8 for the government's continuing investigation of the case. The parties further agree that the
9 interests of justice served by granting this continuance outweigh the best interests of the
10 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

11 4. Defendant has been released on pre-trial release and has no objection to the
12 continuance and agrees to the waiver of his right to be indicted by the grand jury within the
13 time specified in 18 U.S.C. § 3161(b).

14 5. The parties agree that good cause exists for the extension of time, and that the
15 extension of time would not adversely affect the public interest in the prompt disposition of
16 criminal cases. Defense counsel will need additional time to review, and to discuss with the
17 defendant, the discovery. In addition, defense counsel has also experienced health issues
18 that have made it more difficult to review the discovery and to meet with defendant to
19 prepare for the hearing. Because of this, defense counsel necessarily needs additional time
20 for preparation and investigation.

21 6. This is the second request for a continuance of the preliminary hearing.

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1 7. The defendant specifically waives being charged by information or indictment
2 within thirty (30) days of his arrest pursuant to 18 U.S.C. § 3161(b).

3 Dated this 12th day of November 2020.

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6 /s/ Dustin R. Marcello
7 DUSTIN R. MARCELLO, ESQ.
8 601 Las Vegas Boulevard, South
9 Las Vegas, Nevada 89101
10 Attorney for Defendant

/s/ Jamie Mickelson
JAMIE MICKELSON
Assistant United States Attorney
500 Las Vegas Blvd. S.
Las Vegas, Nevada 89101
Attorney for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRYAN ROBINSON,

Defendant.

Case No. 2:20-mj-00766-EJY

ORDER

FINDINGS OF FACT

Having reviewed the stipulation between the parties, and good cause appearing therefore, the Court finds as follows:

1. The Complaint in this case was filed on August 27, 2020 (ECF No. 1) and defendant first appeared before a judicial officer of the Court in which the charges in this case were pending on September 1, 2020 (ECF No. 5.) This Court set a preliminary hearing for September 15, 2020.

2. On September 14, 2020, the parties filed a stipulation to continue the preliminary hearing for sixty days. (ECF No. 12.) The Court set a preliminary hearing for November 16, 2020. (ECF. No. 13.) On September 18, 2020, the defendant filed a waiver of his right to be indicted by the grand jury within the time specified in 18 U.S.C. § 3161(b) for sixty days. (ECF No. 15.) Defendant specifically agrees to waive his right to be indicted by the grand jury for an additional thirty days.

3. The parties jointly move for an extension of time of the preliminary hearing to a date and time convenient to the Court, but no sooner than thirty (30) days. The Government has provided pre-indictment discovery for the defense to review. The parties

1 stipulate that the delay is required to allow the defense reasonable time for preparation, and
2 for the government's continuing investigation of the case. The parties further agree that the
3 interests of justice served by granting this continuance outweigh the best interests of the
4 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

5 4. Defendant has been released on pre-trial release and has no objection to the
6 continuance.

7 5. The parties agree that good cause exists for the extension of time, and that the
8 extension of time would not adversely affect the public interest in the prompt disposition of
9 criminal cases. Defense counsel will need additional time to review, and to discuss with the
10 defendant, the discovery. In addition, defense counsel has also experienced health issues
11 that have made it more difficult to review the discovery and to meet with defendant to
12 prepare for the hearing. Because of this, defense counsel necessarily needs additional time
13 for preparation and investigation.

14 6. This is the second request for a continuance of the preliminary hearing.

15 7. The defendant specifically waives being charged by information or indictment
16 within thirty (30) days of his arrest pursuant to 18 U.S.C. § 3161(b).

17 **CONCLUSIONS OF LAW**

18 1. Denial of this request would deny the parties the adequate opportunity to
19 prepare for the preliminary hearing and could result in a miscarriage of justice.

20 2. The interests of justice served by granting this continuance outweigh the best
21 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

22 3. The defendant has waived his right to be charged by information for
23 indictment within thirty (30) days of his arrest pursuant to 18 U.S.C. § 3161(b).

1 IT IS HEREBY ORDERED that the Preliminary Examination currently scheduled
2 for November 16, 2020, at 4:00 p.m., be continued to the day of December 16, 2020 at
3 4:00 p.m., in courtroom 3A.

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5 DATED this 12th day of November, 2020.

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8 ELAYNA J. YOUCHAH
9 U.S. MAGISTRATE JUDGE
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